

HOUSE BILL 3245
By Brooks (Knox)

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to enacting the "Tennessee Food Allergy
and Anaphylaxis Management Act of 2006."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Food Allergy
and Anaphylaxis Management Act of 2006."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by
adding the following as a new section:

Section ____.

(a)

(1) The commissioner of education shall establish a model policy
by rule for LEAs to adopt in schools in order to manage issues relating to
food allergies and anaphylaxis. The rule shall be promulgated in
accordance with title 4, chapter 5. The commissioner shall develop such
policy in consultation with the department of health and the state board of
education. The policy shall be developed for distribution to LEAs within
ninety (90) days after the effective date of this act. LEAs shall implement
this policy for all schools in the LEA within six (6) months after the
effective date of this act. The commissioner is authorized to use public
necessity rules to implement this section.

(2) The policy shall seek to reduce the possibility of accidental
exposure to products which cause allergic reactions and anaphylaxis in
the classroom, school cafeteria, playgrounds or other common areas.

The policy shall also establish procedures for managing instances of anaphylaxis.

(b) In each school the principal shall enforce, in accordance with this subsection (b), the policy promulgated pursuant to subsection (a). The state policy required by this section shall take effect, and a school shall promptly implement the policy for providing a safe school environment and the capability of managing incidences of anaphylaxis, in any school when the school receives:

(1) A written request from a parent or guardian seeking protection of the parent or guardian's child who is a student at the school from specifically named food or products which could result in anaphylaxis; and

(2) Written documentation from the student's physician that describes:

(A) The student's type of food allergy and identifies any food to which the student is allergic;

(B) The signs and symptoms of an allergic reaction; and

(C) The emergency treatment procedures in the event of a reaction that includes the medications, dose, and route of administration of such medications required to resuscitate the child during an allergic reaction.

(c) The documents provided to a school pursuant to subsection (b) shall be made available to the student's teacher or teachers; the school nurse, if any; the school principal; and other adult persons who the school principal determines needs to be informed of this condition. Information may be disclosed to a person pursuant to this subsection (c) only in conformity with state and federal law.

Such information shall be disclosed only for the purpose of protecting the student's safety.

(d) Any medications required for emergency handling of a significant allergic reaction, including anaphylaxis, shall be supplied to the school at the cost of the parent or guardian. Such medications shall be maintained in a readily accessible location in the school clinic, office, homeroom, or other location, as deemed most appropriate by the school principal and school nurse, if any, in consultation with the student's physician.

(e) The school nurse, other appropriate school personnel, and appropriate parent volunteers at such schools shall receive training in the recognition of the signs and symptoms of anaphylaxis, the emergency treatment of anaphylaxis, and the need to summon immediately emergency responders.

(f) If a school nurse is not present, other appropriate persons, including teachers, shall be trained to recognize the signs and symptoms of anaphylaxis, the emergency treatment of anaphylaxis, and the need to summon immediately emergency responders.

(g) If the student participates in extracurricular activities, then resuscitation drugs and trained adult personnel shall accompany the child at such activities. Such personnel shall be in visual contact with the child at all times. Such activities shall include, but not be limited to, field trips and before and after-school care.

(h) The school shall consider not permitting stocking of any vending machine on the school premises with any snack, food, or item which contains an offending allergen within a reasonable period of learning of the allergen pursuant to subsection (b).

(i) On learning of an allergen pursuant to subsection (b), the school shall not permit the subsequent sale of fund-raising products that contain the offending allergen.

(j) For any child who has had anaphylaxis documented pursuant to subdivision (b)(2), the school shall consider providing the child's classroom or school with a teaching assistant. The assistant's sole purpose shall be to guard the child's safety through constant observation and supervision, monitoring of foodstuffs brought into the allergic child's school environment, riding with the child to and from school on a school bus, and observing and guarding the child's safety at all times the school has loco parentis relationship to the child.

(k) The school principal shall develop a method of immediate communication with the local emergency communications district response center to ensure the most expeditious emergency response in the event of anaphylaxis.

(l) If other students bring lunches from outside the school which could contain the products which cause allergic reactions and anaphylaxis, the principal shall establish a program in place and enforced which will safely separate those students to avoid accidental contamination of the environment of the allergic student.

(m) For the purposes of this section, "school" means any school or program of an LEA regulated under title 49, chapter 6, parts 1,2,3,4,5,6,7, and 21.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.